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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,400	10/14/2004	Hans-Jurgen Multhammer	DT-6911	9212
30377	7590	01/18/2006		
DAVID TOREN, ESQ. ABELMAN FRAYNE & SCHWAB 666 THIRD AVENUE NEW YORK, NY 10017-5621			EXAMINER FRISTOE JR, JOHN K	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,400

Applicant(s)

MULTHAMMER, HANS-JURGEN

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION
Information Disclosure Statement

1. The information disclosure statement filed 10/14/2004 is acknowledged by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “corrugations running longitudinally or local material reinforcements” recited in claim 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 25 recites the limitation TEFLON in line 2. It is important to recognize that a trademark or trade name is used to identify a source of goods, and not the goods themselves. If a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, then the claim does not comply with the requirements of 35 USC 112, second paragraph (see MPEP 2173.05(u)). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 20, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,485,472 (Bozich). Bozich discloses a valve device comprising a supply line (20) comprising a flexible radially compressible hose, a jacket tube (30), interstitial space (between element 20 and 30 in figure 2), wherein the supply line (20) is compressed by the application of a pressure medium (col. 2, lines 58-60), wherein the supply line is collapsed by the application of a pressure medium (col. 2, lines 58-60), an inlet valve (col. 3, line 55), an outlet valve (49), wherein the pressure medium is air (col. 3, lines 61), and an open circuit (48 and 49).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,485,472 (Bozich) in view of U.S. Pat. No. 3,885,769 (Morrison). Bozich discloses a valve device comprising a supply line (20) comprising a flexible radially compressible hose, a jacket tube (30), interstitial space (between element 20 and 30 in figure 2), wherein the supply line (20) is compressed by the application of a pressure medium (col. 2, lines 58-60), wherein the supply line is collapsed by the application of a pressure medium (col. 2, lines 58-60), an inlet valve (col. 3, line 55), an outlet valve (49), wherein the pressure medium is air (col. 3, lines 61), and an open circuit (48 and 49) but lacks corrugations on the sleeve. Morrison teaches a valve device comprising a sleeve (54) and corrugations (74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the valve device of Bozich by having corrugations in the sleeve as taught by Morrison in order to strengthen the sleeve.

10. Claim 25 as far as it is definite, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,485,472 (Bozich) in view of U.S. Pat. No. 5,992,818 (Jones et al.). Bozich discloses a valve device comprising a supply line (20) comprising a flexible radially compressible hose, a jacket tube (30), interstitial space (between element 20 and 30 in figure 2), wherein the supply line (20) is compressed by the application of a pressure medium (col. 2, lines 58-60), wherein the supply line is collapsed by the application of a pressure medium (col. 2, lines

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58-60), an inlet valve (col. 3, line 55), an outlet valve (49), wherein the pressure medium is air (col. 3, lines 61), and an open circuit (48 and 49) but lacks the supply line being made from Teflon. Jones et al. teach a valve device comprising a supply line (30) made from Teflon (col. 4, lines 50-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the valve device of Bozich by making the supply line from Teflon as taught by Jones et al. in order to increase the durability of the supply line within the valve.

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,485,472 (Bozich) in view of U.S. Pat. No. 5,950,986 (Dougherty et al.). Bozich discloses a valve device comprising a supply line (20) comprising a flexible radially compressible hose, a jacket tube (30), interstitial space (between element 20 and 30 in figure 2), wherein the supply line (20) is compressed by the application of a pressure medium (col. 2, lines 58-60), wherein the supply line is collapsed by the application of a pressure medium (col. 2, lines 58-60), an inlet valve (col. 3, line 55), an outlet valve (49), wherein the pressure medium is air (col. 3, lines 61), and an open circuit (48 and 49) but lacks the supply line consisting of polyurethane and the jacket tube comprised of a polyamide. Dougherty et al. teach a valve device comprising a housing comprising a polyamide (col. 5, lines 23-25) and a valve member consisting of polyurethane (col. 6, lines 19-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the valve device of Bozich by making the valve housing from a polyamide and the valve device from a polyurethane as taught by Dougherty et al. in order to increase the durability of the housing and the sealing of the valve member.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

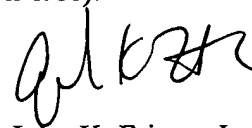
U.S. pat. No. 3,397,860 (Bushmeyer) disclose a valve device having an inlet and an outlet for the control fluid.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926.

The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.
Examiner
Art Unit 3751

JKF



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4/13/06